

## LIEN AVOIDANCE (§522(f)) PROCEDURES

1. Contents of Motion - A motion for avoidance of a judicial lien on real property must be filed on [Local Form #717.05](#). A motion for avoidance of a lien on any other collateral under 11 USC §522(f) must be in writing and state:
  - a. Name and address of lienholder(s) whose liens are to be voided;
  - b. The subsection of §522(f) under which relief is requested;
  - c. The nature of the security interests or liens;
  - d. The date upon which the security interests or liens were perfected;
  - e. A description of the collateral sufficient for identification;
  - f. The fair market value of the collateral;
  - g. A description of and the amounts due upon any other security interests or liens upon the collateral;
  - h. Description of nature and amount of exemptions impaired;
  - i. The present balance owing on the security interests or liens upon the collateral, excluding any precomputed interest or other unearned charges;
  - j. Extent to which fixing of the liens should be avoided;
  - k. Any other facts which would be relevant in determining whether the motion should be granted.
2. Notice of Motion - The debtor's attorney (or debtor(s), if no attorney) must completely fill out the current version of [Local Form #717](#).
3. Service of Motion AND of Notice of Motion - The debtor(s) must serve copies of both the Motion and Notice of Motion on all interested parties.
4. Filing of Motion and Notice of Motion with Clerk's Office - The debtor(s) must file both the original Motion AND original Notice of Motion with the Clerk of Court (if not filed electronically, within 3 days of serving the copies).
5. Response - If any party wishes to resist a motion filed against them, the party must file with the Clerk of the Bankruptcy Court, within the time fixed in the Notice of Motion, both:
  - a. A written Response; and
  - b. A certificate showing service of a copy thereof on the debtor's attorney (or debtor(s), if no attorney).
6. Contents of Response - A response must state the specific grounds upon which the motion is resisted.
7. Hearing - If a timely response is filed, the Court will decide whether a hearing will be required. If so, the hearing will be set and noticed by the Clerk.
8. Failure to Respond - If no timely response is filed, the Court may sign an ex parte order, submitted by the debtor(s) on [Local Form #717.07](#) if the lien is a judicial lien on real property, granting the motion.
9. Order - An order avoiding a judicial lien on real property must be submitted on [Local Form #717.07](#).